In re Patent Application of:
JONES ET AL.
Serial No. **10/629,449**
Filed: **JULY 29, 2003**

REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, and for indicating that dependent Claim 9 recites patentable subject matter. Applicants have enclosed a Terminal Disclaimer herewith to overcome the Examiner's provisional obviousness-type double patenting rejection.

Applicants have amended Claims 1, 9-11, and 14 to correct informalities. These claim amendments do not narrow the scope of the claims for reasons related to the statutory requirements for patentability. Applicants have also added new Claims 19-21. New independent Claim 19 incorporates the patentable subject matter of dependent Claim 9 and all intervening claims. Applicants submit that all claims are patentable and present arguments below supporting such patentability.

I. The Claimed Invention

Independent Claim 1, for example, is directed to a method of conducting wireless packetized digital data communications between a data sourcing site and a data reception site, geographically remote with respect to one another. The method comprises providing a communication path between the data sourcing site and the data reception site, the communication path including at least one relay therebetween, such that the communication path, the sourcing site, and the reception site contain at least three successive transceiver devices. Each pair of immediately successive transceiver devices includes a data transmission device and a

data reception device. The method also includes selectively wirelessly transmitting a polling message to the data transmission device from the data reception device.

The method also includes in response to receipt of the polling message, wirelessly transmitting, from the data transmission device to the data reception device, a poll acknowledgement message that is representative of whether the data transmission device has data to send and the quantity of data to be sent, and in response to receipt of the poll acknowledgement message indicating that the data transmission device has data to send, wirelessly transmitting, from the data reception device to the data transmission device, a data request message. The method further comprises in response to receipt of the data request message, wirelessly transmitting, from the data transmission device to the data reception device, a data message containing a plurality of data packets, and in response to receipt of the data message at the data reception device, storing data contained in data packets of the data message, and storing information representative of any data packets missing from the data message. The method includes wirelessly transmitting from the data reception device to the data transmission device, a data acknowledgement message that includes the information representative of any data packets missing from the data message.

Independent Claim 11 is also directed to a method of conducting wireless packetized digital data communications between a data sourcing site and a data reception site, geographically remote with respect to one another, by way of a relay therebetween. The method comprises transmitting a group

of data packets from the data sourcing site to the relay, transmitting from the relay to the data reception site those ones of the group of data packets that have been received from the data sourcing site, requesting the data sourcing site to resend any transmitted packet not received by the relay, and arranging data packets received from the relay in a packet assembly store, and requesting the relay to resend any transmitted packet not received by the data reception site. Independent Claim 14 is a system counterpart to Claim 11.

II. The Claims Are Clear

The Examiner objected to independent Claims 1, 11, and 14, contending the recitation of "three transceivers", as recited in independent Claim 1, is unclear with respect to the locations of the transceivers. Independent Claims 11 and 14 do not include this recitation. Applicants have amended independent Claim 1 to recite the communication path, the sourcing site, and the reception site contain at least three successive transceiver devices. Applicants submit that this amended recitation is clear. In other words, transceivers are located at the data sourcing site, the data reception site, and at each relay, i.e. at least three transceivers, as claimed. Accordingly, Applicants submit that independent Claims 1, 11, and 14 are clear and unambiguous.

III. The Claims Are Patentable

The Examiner rejected independent Claims 1, 11, and 14 over Moore et al. in view of Lin et al. and Harrison. Moore et al. discloses a polling system comprising a master

computer, a control unit, and a base station coupled together by way of a wired connection. (Col. 2, lines 50-68). The base station wirelessly couples the control unit to a plurality of portable units. (Col. 3, lines 1-9). The control unit wirelessly polls the portable units to determine if a particular portable unit has data to transmit to the control unit. (Col. 3, lines 20-24 & Col. 5, lines 30-32). If a response is received from the portable unit, the control unit determines whether the data is a new message or a continuation of a previously transmitted message. If the data is a new message and the message and block check numbers are satisfactory, the portable unit is notified on the next polling sequence. (Col. 5, lines 48-50).

If the control unit detects a signal indicative of more data waiting to be transmitted by the portable unit, the control unit stores and labels the message block, and the portable unit is polled for more data during the next polling sequence. (Col. 5, lines 50-53). On the other hand, if the control unit has received a signal indicating the message was complete, the control unit would transmit the data to the master computer and would not poll that particular portable unit again.

The Examiner correctly notes that Moore et al. fails to disclose storing information representative of any data packets missing from the data message, as in the claimed invention, and looks to Lin et al. to supply for this deficiency. Lin et al. discloses a packet switched data network with Transmission Control Protocol/Internet Protocol (TCP/IP). When a packet is transmitted from a source to a

destination, a timer is initiated for waiting for an acknowledgement signal from the destination. If no acknowledgment signal is received within a set period of time, the packet is retransmitted to the destination. (Col. 15, lines 62-66).

The Examiner correctly notes that neither Moore et al. nor Lin et al. discloses selectively wirelessly transmitting a polling message to the data transmission device from the data reception device, and in response to receipt of the polling message, wirelessly transmitting, from the data transmission device to the data reception device, a poll acknowledgement message that is representative of whether the data transmission device has data to send and the quantity of data to be sent, as in independent Claim 1. The Examiner looks to Harrison to supply for these deficiencies. Harrison discloses a system comprising a master unit and a plurality of slave units wirelessly coupled to the master unit. The master unit listens for polling signals from the slave units and responds by initiating a wireless connection with the respective slave units.

Applicants submit that the Examiner's proposed combination fails to disclose or fairly suggest every feature of the claimed invention. None of the cited prior art references discloses transmitting from the relay to the data reception site those ones of the group of data packets that have been received from the data sourcing site, and requesting the data sourcing site to resend any transmitted packet not received by the relay, as in independent Claim 11, for example. Moore et al. and Harrison both fail to disclose

relay communication. Lin et al. discloses transmitting an acknowledgement signal from the destination and not from relay points in the transmission chain. Accordingly, for this reason alone, independent Claims 1, 11, and 14 are patentable over the prior art.

Applicants further submit that the Examiner's proposed combination fails to disclose or fairly suggest a poll acknowledgement message that is representative of whether the data transmission device has data to send and the quantity of data to be sent, as recited in independent Claim 1. The Examiner contended that Harrison discloses this feature of the claimed invention. Harrison discloses that the master unit acknowledges the polling signal of the slave units by only initiating a wireless connection and not generating poll acknowledgement message that is representative of whether the data transmission device has data to send and the quantity of data to be sent, as in independent Claim 1.

Accordingly, for all the above reasons, it is submitted that independent Claims 1, 11, and 14 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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IV. CONCLUSIONS

In view of the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 22nd day of August, 2007.